



# Update

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## Watershed Planning in Eastern Washington

Seven watershed planning units have perked along quietly and surely in Eastern Washington this year with planning units making the transition from Phase I (organizing) to Phase II (assessing current water needs and water availability). The newest planning units are deep into Phase I now and soon it will be time for applications to come in for planning units to move to the next phase, and to form new watershed planning units (the deadline is June 30).

On the other hand, the issue of water in Washington has been anything but quiet, with Governor Locke signing a new water bill and water managers struggling to get water to where it is needed most in a severe drought year.

This issue of **UPDATE** will touch on those issues, check in with planning unit progress, and as a special bonus, answer a couple of the most commonly asked questions about watershed planning.

### Water laws changing

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Gov. Gary Locke on May 22 called upon the Legislature to fund newly passed reforms to the state's antiquated water laws and continue the reforms in 2002 and beyond.

The governor said antiquated laws no longer served the state's large population nor its effort to recover wild salmon, sustain its agricultural economy and produce power.

Referring to HB 1832, Locke said, "This legislation represents the first comprehensive changes to water law in nearly 30 years."

Locke said the new legislation would help the state get through this year's drought and improve water management in the future by:

- Creating two lines for water right applications - one for new rights and one for transferring or changing them.
- Allowing local water conservancy boards to process all types of water right changes and transfers while making the boards more accountable to the public.
- Creating tax incentives for utilities to conserve and reuse water.
- Revising the 1977 Family Farm Act to allow family farm water permits to be used within city limits and urban growth areas.
- Establishing firm timelines for setting stream flows to save fish while providing certainty about the amount of water available for farms and growing cities.
- Encouraging water donations to improve stream flows and help fish.

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## **Governor Locke's look at our water future**

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Gov. Locke has asked legislative leadership to work with him in drafting legislation for 2002 to achieve three key objectives:

- First, to finally settle on and implement a strategy for meeting the needs of fish - to decide the stream flows that are needed for fish, and specify how and when those flows will be achieved.
- Second, to address the water needs of growing communities. Public water systems must be able to plan and grow into their existing water rights with the certainty and flexibility needed to serve growth and maintain a healthy economy.
- Third, to fix the outdated "use it or lose it" policies to ensure that water users have better incentives to save water.

## **Drought information**

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To get up-to-the-minute drought information, check out these web sites:

Ecology's drought Web site:

<http://www.ecy.wa.gov/programs/wr/drought/droughthome.html>

Governor's drought Web site:

<http://www.governor.wa.gov/drought/drought.htm>

Ecology's drought hotline: 800-468-0261

## **Federally protected salmon and trout in Eastern Washington watersheds**

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Nineteen Water Resource Inventory Areas (WRIAs) fall entirely or mostly within the Department of Ecology's (Ecology's) eastern region. Of these, eight WRIAs are currently engaged in the formal watershed planning process, and three of the eight (Pend Oreille, Kettle, and Walla Walla) contain salmonids protected by the Endangered Species Act (ESA). Eleven WRIAs have not yet chosen to enter into planning. Of those eleven, eight are within ESA salmon recovery areas.

The Walla Walla planning unit formed in fall of 2000, in a watershed that contains bull trout, steelhead and chinook salmon. The Walla Walla River runs dry in some reaches and has extensive irrigated agricultural interests. Several members of the planning unit participate in a cooperative, interstate process to address ESA issues, in consultation with the National Marine Fisheries Service and the U.S. Fish and Wildlife Service (USFWS).

Ecology, the Washington Department of Fish and Wildlife (WDFW) and other state agencies, along with USFWS, the Confederated Tribes of the Umatilla Indian Reservation and local interests may be asked to help develop a Habitat Conservation Plan (HCP) for bull trout in the Walla Walla watershed. Both the Kettle River watershed and the Pend Oreille watershed must also consider bull trout. To learn more about HCPs check out this web site: [www.nwr.noaa.gov/1salmon/salmesa/index](http://www.nwr.noaa.gov/1salmon/salmesa/index) .

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## **Rivers do not recognize political boundaries**

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Nearly half of the WRIAs in Ecology's eastern region share a boundary with another state or Canada, adding another challenging dimension to the planning process. Several planning units are already finding that excluding other states from the planning process has drawbacks, many of which will be difficult to address after the watershed plans are completed.

Two existing planning units work in WRIAs where upstream dams in Idaho regulate flows in Washington. The Middle/Little Spokane watershed planning unit is participating in the Federal Energy Regulatory Commission's process of relicensing the five Avista dams on the Spokane River.

The planning unit for the Pend Oreille watershed is not engaged with Idaho in their effort, and although the Kettle River watershed will be affected by the proposed Cascade Dam in Canada, there is no communication yet between Canada and the planning unit.

Most WRIAs in the region are fully or over-appropriated, thus in order to meet the growing needs for people and fish many planning units will need to develop creative strategies for cooperation, augmentation, storage, mitigation, and conservation. Many of these strategies will be controversial and will require action by state agencies.

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## **The "M" word (metering)**

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As you may recall, American Rivers, the Center for Environmental Law and Policy, Washington Environmental Council, Pacific Coast Federation of Fishermen's Associations, and the Institute for Fisheries Resources sued the Department of Ecology in early 1999 for failing to implement the state's metering law.

How will metering fit in with your watershed planning? The law (RCW 90.03.360) directs Ecology to require metering for the following classes of water users:

- 1) Any new surface water right
- 2) Any diversion that exceeds 1 cubic foot per second (cfs)
- 3) Any diversion that takes water from a water source that is habitat for a salmonid stock listed as critical or depressed according to WDFW (one of the 16 "critical basins" identified in the state's Salmon Recovery Plan).

The only basin identified in Ecology's eastern region is Walla Walla.

Thurston County Superior Court ordered Ecology to prepare an implementation plan by early this year. Metering individual "exempt" wells are not included in the requirement.

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## **Common questions and answers about watershed planning – first installment**

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**Question:** *What is the purpose of watershed planning, and why should we do it?*

**Answer:** The purpose of watershed planning is to develop a more thorough and cooperative method of determining what the current water resource situation is in each

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watershed and provide local citizens with opportunities to get involved in determining goals and objectives for water management in the future.

***Question: How are decisions made in the watershed planning process?***

**Answer:** Local governments decide whether to initiate the watershed planning process and also decide the scope of the group's efforts, i.e., which optional elements to address. Besides water quantity, the planning units could address water quality, instream flows and/or habitat issues.

The initiating governments also decide the composition of the planning unit, providing for a wide range of water resource interests, and which state agencies will participate on the planning unit.

If the initiating governments choose (by majority vote) to address instream flow, actually setting the flows must be a collaborative effort between the Department of Ecology (Ecology) and members of the planning unit. Ecology must attempt to achieve consensus and approval among the members of the planning unit regarding the minimum flows to be adopted. All government members of the planning unit must unanimously vote to support the proposed minimum instream flows, and all non-governmental members of the planning unit must approve the proposal by majority.

Once the watershed plan is complete, the planning unit may adopt the plan by:

- consensus of all members of the planning unit, or by
- consensus among the government members of the planning unit and a majority vote of the non-governmental members of the planning unit.

## **For more information**

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Visit Ecology's Watershed Planning Home Page at:

<http://www.ecy.wa.gov/watershed/>

To get involved or for further information, contact Doug Allen, (509) 625-5344, at the Department of Ecology. For information about the Walla Walla watershed, contact Viki Leuba at (509) 625-5179.

*If you have special accommodation needs or require this publication in alternative format, please contact Jani Gilbert at (509) 456-4464 (Voice) or (360) 407-6066 (TDD).*